

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 20, 2000

DIVISION ONE

B129043 Fox
 v.
 Gold

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment)

B139831 McIntire (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Wells Fargo Bank Ltd., et al., r.p.i.)

THEREFORE, let a peremptory writ issue, commanding respondent superior court to vacate its order of March 1, 2000, granting the motion to disqualify Damon L. Hobdy as counsel for Julie McIntire in Los Angeles Superior Court case No. GC021769, entitled Julie McIntire v. Wells Fargo Bank LTD, etc., et al., and to issue a new and different order denying same.

Julie McIntire is entitled to costs, which real parties shall bear. (Cal. Rules of Court, rule 56.4.)

Spencer, P.J.

We concur: Ortega, J.
 Masterson, J.

B126656 Michaels
 v.
 Wildenstein & Co., Inc.

Filed order denying petition for rehearing.

April 20, 2000-Continued

DIVISION TWO

B130485 People v. Kuhn (Not for Publication)

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Cooper, J.

B136642 People (Not for Publication)
v.
Brown

The Court:

The judgment is affirmed.

Boren, P.J., Cooper, J., Mallano, J. (Assigned)

B133871 People v. Sustaita (Not for Publication)

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
 Cooper, J.

DIVISION THREE

[illegible]

The matter is remanded for a declaration by the juvenile court as to whether the offenses of unlawfully possessing a firearm (Pen. Code, 12021, subd. (d)) and being a minor in possession of a concealable firearm (Pen. Code, 12101, subd. (a)(1)) are misdemeanors or felonies, and for declaration of Erick E.'s theoretical maximum term of physical confinement (Welf. & Inst. Code, 726). In all other respects, the order continuing wardship is affirmed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

B127182 People (Not for Publication)
v.
Adams

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

B122578 People (Not for Publication)
v.
Carter

Carter's conviction of grand theft from the person in violation of Penal Code section 487, subdivision (c), as alleged in count seven of the information, is reversed. In all other respects, the judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (Continued)

B135096 Lindsay Dakota (Not for Publication)
B138342 v.
 Laura Aman

The order is affirmed. Each party to bear respective costs on appeal.

Klein P.J.

I concur: Croskey, J.

I concur in the judgment only: Aldrich, J.

B126081 Los Angeles County, D.C.F.S. (Certified for Publication)
 v.
 Robert G.

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

B134741 Carol Earley et al. (Certified for Publication)
 v.
 Superior Court, Los Angeles County
 (Washington Mutual Bank, r.p.i.)

The alternative writ is discharged. A peremptory writ of mandate shall issue directing the trial court to vacate its order of August 13, 1999, and to conduct further proceedings not inconsistent with the views expressed herein. Petitioners shall recover their costs incurred in this writ proceedings.

Croskey, J.

We concur: Klein, P.J.
 Aldrich, J.

DIVISION FOUR

Court convened at 9 A.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J. and V. Guzman, Deputy Clerk.

B136652 Torres
 v.
 Superior Court, Los Angeles County
 (People, r.p.i.)

Merits:

Argued by William J. Genego for petitioner and by Brent Riggs, deputy district attorney, for real party in interest. Cause submitted.

B137707 Haynie
 v.
 Superior Court, Los Angeles County
 (County of Los Angeles, r.p.i.)

Merits:

Argued by Adam Axelrad for petitioner and by Steven J. Renick for real party in interest. Cause submitted.

B132850 Newman
 v.
 Newman

Merits:

Argued by Ramon C. Grolock for appellant and by Denise A. Brogna for respondent. Cause submitted.

B132637 Wittman
 v.
 Portfolio Management

Merits:

Argued by Grant A. Carlson for appellant and by Paul J. Laurin for respondent. Cause submitted.

DIVISION FOUR (Continued)

B126355 Jones
 v.
 Moore

Merits:

Argued by Wendy Rossi for appellant and by Alan R. Jampol for respondent. Cause submitted.

B123197 Suckow
 v.
 Republic Western Insurance Company et al.

Merits:

Argued by Edward S. Sims for appellant, by Micheal G. Dave for respondent Republic Western Insurance and by Dennis P. Zentil for respondent First Fidelity Thrift and Loan. Cause submitted.

B100097 Old Republic Insurance Company
 v.
 FSR Brokerage, Inc.

Merits:

Argued by J. Douglas Post for appellant and by Bruce M. Thornton and Jim P. Mahacek for respondent. Cause submitted.

Court in recess.

Court reconvened at 1:30 P.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J. and V. Guzman, Deputy Clerk.

DIVISION FOUR (Continued)

B126864 People v. Forn
B134986 In re Forn on Habeas Corpus

Merits:
Argued by Thomas T. Ono for appellant and by William V. Ballough, deputy attorney general, for respondent. Cause submitted.

B132766 People
 v.
 Longenbach

Merits:
Argued by Steven T. Flowers for appellant and by Paul C. Ament, deputy attorney general, for respondent. Cause submitted.

B133168 People
 v.
 Henry

Merits:
Argued by Carol S. Boyk for appellant and by Alene M. Games, deputy attorney general, for respondent. Cause submitted.

B124653 Miyazaki
 v.
 Yasukochi et al.

Merits:
Argued by Silvio Nardoni for appellant and by Daryl J. Miller for respondents. Cause submitted.

DIVISION FOUR (Continued)

Each of the following:

B135456 People v. Landaverde
B128289 People v. Guel
B112240 People v. Miller
B130930 People v. Sarinana
B130999 People v. Lucero
B133205 People v. Butler
B135524 Dept. of Children's Services v. Shakuar B.
B130662 County of Los Angeles v. Ranger Insurance Company
B135485 Shalant v. Algee, Oxman and Jaroscak

Argument waived, cause submitted.

Court Adjourned.

B135747 People
 v.
 Montoya Jr.

Filed order denying petition for rehearing.

B123788 People
 v.
 Sennett

Appellant's and respondent's petitions for rehearing are denied.

DIVISION FIVE

B138632 Darlene Cobb (Not for Publication)
v.
Superior Court, Los Angeles County

Petition denied by opinion. Each side is to bear its own costs.

Weisman, J. (Assigned)

We concur: Grignon, Acting P.J.
Godoy Perez, J.

B130613 Jonathan Vo
v.
Las Virgenes Municipal Water District

Filed order denying petition for rehearing.

B131589 Edward J. Walsh
v.
Southern California Edison Company

Filed order denying petition for rehearing.

DIVISION SIX

B134955 Del Taco (Certified for Publication)
v.
Worker's Compensation Appeals Board
Jorge Gutierrez, Respondent

The WCAB's opinion and order of April 30, 1999, is affirmed to the extent that it orders temporary disability indemnity. The order is annulled to the extent that it awards vocational rehabilitation services.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

DIVISION SIX (Continued)

B124063 People (Not for Publication)
v.
Alexander & Moore

As to Moore, the judgment is modified to strike the prior juvenile adjudication enhancements imposed under California's "Three Strikes" law. Specifically, the following enhancements are stricken: (1) the six-year enhancement on count 1 (§ 211); (2) the six-year enhancement on count 3 (§ 459); and (3) the eight-month enhancement on count 4 (Veh. Code, § 10851, subd. (a)). The modification results in an aggregate unstayed term of 16 years, 8 months.

As to each appellant, the judgment is modified to show a \$5,000 restitution fine (§ 1202.4, subd. (b)) and an additional \$5,000 restitution fine that is suspended unless parole is revoked (§ 1202.45).

The trial court is directed to amend the abstract of judgment to show these modifications and also to show that the order of restitution to Thomas Hardeman and Peter Kim is a joint and several obligation of appellants. The trial court is further directed to forward a certified copy of the amended abstract to the Department of Corrections. In all other respects, the judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

B136305 People v. Jones (Not for Publication)

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

April 20, 2000-Continued

DIVISION SIX (Continued)

B136147 People (Not for Publication)
v.
Mara

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B125868 People (Not for Publication)
v.
Thames

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.